

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHARP MEXICAN PARTNERS, L.P.,

Plaintiff,

V.

ALBERTSON'S INC.,

Defendant.

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CIVIL ACTION NO.

3:05-CV-1280-K

MEMORANDUM OPINION AND ORDER

Plaintiff Sharp Mexican Partners, L.P. ("Sharp") moves to remand this action to state court, County Court at Law No. 3 of Dallas County, Texas from which it was removed. Defendant Albertson's, Inc. ("Albertson's") originally removed this case to federal court based on diversity jurisdiction. Under the federal diversity statute, district courts have original jurisdiction over all civil actions between citizens of different states where the amount in controversy exceeds \$75,000. 28 U.S.C. §1332(a)(2).

Because the parties stipulate that Sharp's damages do not exceed \$75,000, this Court lacks jurisdiction over the case. Therefore, Sharp's Motion to Remand is **GRANTED**, and this action is

REMANDED to the County Court at Law No. 3 of Dallas County, Texas.

SO ORDERED.

Signed September 9 , 2005.

s/ Ed Kinkeade

ED KINKEADE

UNITED STATES DISTRICT JUDGE